IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3493 OF 2005

IN

CRIMINAL APPEAL NO. OF 2005

IN

C.C.NO.22/CW/96

Shri A.S.Arekar ...Applicant

Versus

Suresh B.Ghadge & Ors. ...Respondents

.....

Mr.D.N.Salvi for Applicant.

Mr.Hakim Salim for Respondent No.1.

Ms.Ghadhavi, A.P.P. for Respondent No.2.

.....

CORAM: A.M.KHANWILKAR, J.

NOVEMBER 16, 2005.

P.C.

1. Heard Counsel for the parties.

2. I see no reason to depart from the conclusion reached by the lower Court, having regard to the finding in Paragraph 17 of the

impugned decision. Counsel for the Applicant is unable to produce any material to counter the said finding. The prosecution witness No.6 in his cross-examination has stated that he does not remember whether accused No.1 and his wife told the Customs Officers in the aircraft that they were knowing about concealment of the seized foreign currency and travellers cheques. It is also noted that the said witness has not clearly stated that at the time of panchnama whether accused No.1 told at whose instance he was carrying foreign currency and travellers cheques.

3. If this is the nature of evidence, no fault can be found with the view taken by the Court below in recording acquittal. Hence, not a case for grant of leave. Dismissed.

A.M.KHANWILKAR, J.